



General Assembly

January Session, 2001

***Raised Bill No. 6967***

LCO No. 4484

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING ADOPTION OF CHILDREN IN STATE FOSTER CARE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 17a-44 of the general statutes is  
2 repealed and the following is substituted in lieu thereof:

3 (a) The photo-listing service shall [semiannually] quarterly check  
4 the status of photo-listed children for whom inquiries have been  
5 received. Periodic checks shall be made by such service to determine  
6 the progress toward adoption of such children and the status of those  
7 children registered but never photo-listed because of placement in [an]  
8 a preadoptive or adoptive home prior to or at the time of registration.

9 Sec. 2. Section 17a-91 of the general statutes is repealed and the  
10 following is substituted in lieu thereof:

11 The Commissioner of Children and Families shall report, on  
12 February fifteenth annually, to the Governor and to the joint standing  
13 committees of the General Assembly having cognizance of matters  
14 relating to human services, the judiciary and human rights and

15 opportunities, with respect to the status, (1) as of the January first  
16 preceding, of all children committed to the commissioner's custody,  
17 including in such report the date of commitment with respect to each  
18 child, [and] (2) of the central registry and monitoring system  
19 established in accordance with subsection (d) of section 17a-110, and  
20 (3) of the amount of time elapsed between the termination of parental  
21 rights and the finalization of the adoption of the child.

22 Sec. 3. Section 17a-110a of the general statutes is repealed and the  
23 following is substituted in lieu thereof:

24 (a) In order to achieve early permanency for children, decrease  
25 children's length of stay in foster care, [and] reduce the number of  
26 moves children experience in foster care and reduce the amount of  
27 time between termination of parental rights and adoption, the  
28 Commissioner of Children and Families shall establish a program for  
29 concurrent permanency planning.

30 (b) Concurrent permanency planning involves a planning process to  
31 identify permanent placements and prospective adoptive parents so  
32 that when termination of parental rights are granted by the court  
33 pursuant to section 17a-112 or section 45a-717, permanent placement  
34 or adoption proceedings may commence immediately.

35 (c) The commissioner shall establish guidelines and protocols for  
36 child-placing agencies involved in concurrent permanency planning,  
37 including criteria for conducting concurrent permanency planning  
38 based on relevant factors such as: (1) Age of the child and duration of  
39 out-of-home placement; (2) prognosis for successful reunification with  
40 parents; (3) availability of relatives and other concerned individuals to  
41 provide support or a permanent placement for the child; (4) special  
42 needs of the child; and (5) other factors affecting the child's best  
43 interests, goals of concurrent permanency planning, support services  
44 that are available for families, permanency options, and the  
45 consequences of not complying with case plans.

46 (d) Within six months of out-of-home placement, the Department of  
47 Children and Families shall complete an assessment of the likelihood  
48 of the child's being reunited with either or both birth parents, based on  
49 progress made to date. The Department of Children and Families shall  
50 develop a concurrent permanency plan for [families with poor  
51 prognosis for reunification within such time period] children who  
52 have been in an out-of-home placement for more than six months.  
53 Such assessment and concurrent permanency plan shall be filed with  
54 the court.

55 (e) Concurrent permanency planning programs must include  
56 involvement of parents and full disclosure of their rights and  
57 responsibilities.

58 (f) The commissioner shall provide ongoing technical assistance,  
59 support, and training for local child-placing agencies and other  
60 individuals and agencies involved in concurrent permanency  
61 planning.

62 Sec. 4. Subsection (o) of section 17a-112 of the general statutes is  
63 repealed and the following is substituted in lieu thereof:

64 (o) In the case where termination of parental rights is granted, the  
65 guardian of the person or statutory parent shall report to the court  
66 within thirty days of the date judgment is entered on a case plan, as  
67 defined by the federal Adoption Assistance and Child Welfare Act of  
68 1980, for the child which shall include measurable objectives and time  
69 schedules. At least every [six] three months thereafter, such guardian  
70 or statutory parent shall make a report to the court on the progress  
71 made on implementation of the plan. The court may convene a hearing  
72 upon the filing of a report and shall convene a hearing for the purpose  
73 of reviewing the plan for the child no more than twelve months from  
74 the date judgment is entered and at least once a year thereafter until  
75 the court determines that the adoption plan has become finalized. For  
76 children where the commissioner has determined that adoption is  
77 appropriate, the report on the implementation of the plan shall include

78 a description of the reasonable efforts the department is taking to  
79 promote and expedite the adoptive placement and to finalize the  
80 adoption of the child, including documentation of child specific  
81 recruitment efforts. If the court determines that the department has not  
82 made reasonable efforts to place a child in an adoptive placement or  
83 that reasonable efforts have not resulted in the placement of the child,  
84 the court may order the Department of Children and Families, within  
85 available appropriations, to contract with a child-placing agency to  
86 arrange for the adoption of the child. The department, as statutory  
87 parent, shall continue to provide such care and services for the child  
88 while a child-placing agency is arranging for the adoption of the child.

89 Sec. 5. Section 17a-114 of the general statutes is repealed and the  
90 following is substituted in lieu thereof:

91 (a) No child in the custody of the Commissioner of Children and  
92 Families shall be placed with any person, unless such person is  
93 licensed by the department for that purpose. Any person licensed by  
94 the department to accept placement of a child is deemed to be licensed  
95 to accept placement as a foster family or prospective adoptive family.  
96 The commissioner shall adopt regulations, in accordance with the  
97 provisions of chapter 54, to establish the licensing procedures and  
98 standards. [Any criminal records check conducted by the  
99 commissioner shall be a criminal records check requested from the  
100 State Police Bureau of Identification and the Federal Bureau of  
101 Investigation.]

102 (b) The Commissioner of Children and Families shall arrange for the  
103 fingerprinting of the applicant and all persons sixteen years of age and  
104 older residing in the home of the applicant or licensee or for the  
105 conducting of any other method of positive identification required by  
106 the State Police Bureau of Identification or the Federal Bureau of  
107 Identification. The fingerprints and other positive identifying  
108 information shall be forwarded to the State Police Bureau of  
109 Identification, which shall conduct a state criminal history records

110 check and submit the fingerprints or other identifying information to  
111 the Federal Bureau of Investigation for a national criminal history  
112 records check. The commissioner shall also determine whether the  
113 applicant or licensee are part of the state child abuse registry  
114 established pursuant to section 17a-101k.

115       [(b)] (c) Notwithstanding the requirements of subsection (a) of this  
116 section, the commissioner may place a child with a relative who is not  
117 licensed for a period of up to forty-five days provided a satisfactory  
118 home visit is conducted, a basic assessment of the family is completed  
119 and such relative attests that such relative and any adult living within  
120 the household have not been convicted of a crime or arrested for a  
121 felony against a person, for injury or risk of injury to or impairing the  
122 morals of a child, or for the possession, use or sale of a controlled  
123 substance. Placements with a relative beyond such forty-five-day  
124 period shall be subject to certification by the commissioner, except that,  
125 on or after October 1, 2001, placement of a child with a relative who  
126 was not certified prior to October 1, 2001, shall be subject to licensure  
127 under subsection (a) of this section. The commissioner shall adopt  
128 regulations, in accordance with the provisions of chapter 54, to  
129 establish certification procedures and standards for a caretaker who is  
130 a relative of such child.

131       Sec. 6. Section 17a-121a of the general statutes is repealed and the  
132 following is substituted in lieu thereof:

133       The Department of Children and Families may provide counseling  
134 and referral services after adoption to adoptees and adoptive families  
135 for whom the department provided such services before the adoption.  
136 Post-adoption services include assigning a mentor to a family, training  
137 after licensing, support groups, behavioral management counseling,  
138 therapeutic respite care, referrals to community providers, a telephone  
139 help line and training of public and private mental health professionals  
140 in post-adoption issues.

141       Sec. 7. Section 17a-117 of the general statutes is repealed and the

142 following is substituted in lieu thereof:

143 (a) The Department of Children and Families may, and is  
144 encouraged to contract with child-placing agencies to arrange for the  
145 adoption of children who are free for adoption. If (1) a child for whom  
146 adoption is indicated, cannot, after all reasonable efforts consistent  
147 with the best interests of the child, be placed in adoption through  
148 existing sources because the child is a special needs child and (2) the  
149 adopting family meets the standards for adoption which any other  
150 adopting family meets, the Commissioner of Children and Families  
151 shall, before adoption of such child by such family, certify such child  
152 as a special needs child and, after adoption, provide one or more of the  
153 following subsidies for the adopting parents: (A) A special-need  
154 subsidy, which is a lump sum payment paid directly to the person  
155 providing the required service, to pay for an anticipated expense  
156 resulting from the adoption when no other resource is available for  
157 such payment; or (B) a periodic subsidy which is a payment to the  
158 adopting family; and (C) in addition to the subsidies granted under  
159 this subsection, any medical benefits which are being provided prior to  
160 final approval of the adoption by the Court of Probate or the Superior  
161 Court in accordance with the fee schedule and payment procedures  
162 under the state Medicaid program administered by the Department of  
163 Social Services shall continue as long as the child qualifies as a  
164 dependent of the adoptive parent under the provisions of the Internal  
165 Revenue Code. Such medical subsidy may continue only until the  
166 child reaches age twenty-one. A special-need subsidy may only be  
167 granted until the child reaches age eighteen. A periodic subsidy may  
168 continue only until the child reaches age eighteen and is subject to  
169 biennial review as provided for in section 17a-118. The amount of a  
170 periodic subsidy shall not exceed the current costs of foster  
171 maintenance care.

172 (b) Requests for subsidies after a final approval of the adoption by  
173 the Court of Probate or the Superior Court may be considered at the  
174 discretion of the commissioner for conditions resulting from or directly

175 related to the totality of circumstances surrounding the child prior to  
176 placement in adoption. A written certification of the need for a subsidy  
177 shall be made by the Commissioner of Children and Families in each  
178 case and the type, amount and duration of the subsidy shall be  
179 mutually agreed to by the commissioner and the adopting parents  
180 prior to the entry of such decree. Any subsidy decision by the  
181 Commissioner of Children and Families may be appealed by a licensed  
182 child-placing agency or the adopting parent or parents to the Adoption  
183 Subsidy Review Board established under subsection (c) of this section.  
184 The commissioner shall adopt regulations establishing the procedures  
185 for determining the amount and the need for a subsidy.

186 (c) There is established an Adoption Subsidy Review Board to hear  
187 appeals under this section, section 17a-118 and section 17a-120. The  
188 board shall consist of the Commissioner of Children and Families, or  
189 the commissioner's designee, and a licensed representative of a  
190 child-placing agency and an adoptive parent appointed by the  
191 Governor. The Governor shall appoint an alternate licensed  
192 representative of a child-placing agency and an alternate adoptive  
193 parent. Such alternative members shall, when seated, have all the  
194 powers and duties set forth in this section and sections 17a-118 and  
195 17a-120. Whenever an alternate member serves in place of a member of  
196 the board, such alternate member shall represent the same interest as  
197 the member in whose place such alternative member serves. All  
198 decisions of the board shall be based on the best interest of the child.  
199 Appeals under this section shall be in accordance with the provisions  
200 of chapter 54.

201 Sec. 8. Subsection (j) of section 45a-717 of the general statutes is  
202 repealed and the following is substituted in lieu thereof:

203 (j) In the case where termination of parental rights is granted, the  
204 guardian of the person or statutory parent shall report to the court  
205 within [ninety] thirty days of the date judgment is entered on a case  
206 plan, as defined by the federal Adoption Assistance and Child Welfare

207 Act of 1980, as amended from time to time, for the child. At least every  
208 ~~[six]~~ three months thereafter, such guardian or statutory parent shall  
209 make a report to the court on the implementation of the plan. The  
210 court may convene a hearing upon the filing of a report and shall  
211 convene a hearing for the purpose of reviewing the plan no more than  
212 ~~[fifteen]~~ twelve months from the date judgment is entered and at least  
213 once a year thereafter until such time as any proposed adoption plan  
214 has become finalized.

215 Sec. 9. Subsection (k) of section 46b-129 of the general statutes is  
216 repealed and the following is substituted in lieu thereof:

217 [(k) (1) Ten months after the adjudication of neglect of the child or  
218 youth or twelve months after the vesting of temporary care and  
219 custody pursuant to subsection (b) of this section]

220 (k) (1) Ten months after placement of the child or youth in the care  
221 and custody of the commissioner pursuant to a voluntary placement  
222 agreement, or removal of a child or youth pursuant to subsection (c) of  
223 section 17a-101g, or court order issued by a court of competent  
224 jurisdiction, whichever is earlier, the commissioner shall file a motion  
225 for review of a permanency plan and to extend or revoke the  
226 commitment. Ten months after [a] each permanency plan [has been  
227 approved by the court pursuant to this subsection, unless the court has  
228 approved placement in long-term foster care with an identified person  
229 or an independent living program, or the commissioner has filed a  
230 petition for termination of parental rights or motion to transfer  
231 guardianship] hearing required under this subsection, the  
232 commissioner shall file a motion for review of the permanency plan  
233 and to extend or revoke the commitment if the child or youth remains  
234 in the custody of the commissioner. A hearing on any such motion  
235 shall be held within sixty days of the filing. The court shall provide  
236 notice to the child or youth, and [his] the parent or guardian of such  
237 child or youth of the time and place of the court hearing [on any such  
238 motion] not less than fourteen days prior to such hearing.



239 (2) At such hearing, the court shall determine whether it is  
 240 appropriate to continue to make reasonable efforts to reunify the child  
 241 or youth with the parent. In making this determination, the court shall  
 242 consider the best interests of the child, including the child's need for  
 243 permanency. If the court finds that further efforts are not appropriate,  
 244 the commissioner has no duty to make further efforts to reunify the  
 245 child or youth with the parent. If the court finds that further efforts are  
 246 appropriate, such efforts shall ensure that the child or youth's health  
 247 and safety are protected and such efforts shall be specified by the  
 248 court, including the services to be provided to the parent, what steps  
 249 the parent may take to address the problem that prevents the child or  
 250 youth from safely reuniting with the parent and a time period, not  
 251 longer than six months, for such steps to be accomplished.

252 (3) At [such] each permanency hearing, the court shall approve a  
 253 permanency plan that is in the best interests of the child or youth and  
 254 takes into consideration the [child] child's or youth's need for  
 255 permanency. The child's or youth's health and safety shall be of  
 256 paramount concern in formulating such plan. Such permanency plan  
 257 may include the goal of (A) revocation of commitment and placement  
 258 of the child or youth with the parent or guardian, with or without  
 259 protective supervision; [(B) placing the child or youth in an  
 260 independent living program; (C)] (B) transfer of guardianship; [(D)  
 261 approval of] (C) long-term foster care with [an identified foster parent;  
 262 (E)] a relative licensed as a foster parent or certified as a relative  
 263 caregiver; (D) adoption and filing of termination of parental rights;  
 264 [(F)] (E) if the permanency plan identifies adoption as an option, a  
 265 thorough adoption assessment and child specific recruitment. As used  
 266 in this subdivision, "thorough adoption assessment" means conducting  
 267 and documenting face-to-face interviews with the child, foster care  
 268 providers, and other significant parties and "child specific recruitment"  
 269 means recruiting an adoptive placement targeted to meet the  
 270 individual needs of the specific child, including, but not limited to, use  
 271 of the media, use of photo-listing services and any other in-state or  
 272 out-of-state resources that may be used to meet the specific needs of

273 the child, unless there are extenuating circumstances that indicate that  
 274 these efforts are not in the best interest of the child; or [(G)] (F) such  
 275 other [appropriate action] planned permanent living arrangement  
 276 ordered by the court, provided the commissioner has documented a  
 277 compelling reason why it would not be in the best interests of the child  
 278 or youth for the permanency plan to include the goals in  
 279 subparagraphs (A) to (D), inclusive, of this subdivision. Such other  
 280 planned living arrangement may include, but not be limited to,  
 281 placement of the child or youth in an independent living program or  
 282 long-term foster care with an identified foster parent. At the  
 283 permanency plan hearing, the court shall review the status of the child,  
 284 the progress being made to implement the permanency plan and  
 285 determine a timetable for attaining the permanency prescribed by the  
 286 plan. The court shall extend commitment if extension is in the best  
 287 interests of the child or youth for a period of twelve months. The court  
 288 shall revoke commitment if a cause for commitment no longer exists  
 289 and it is in the best interests of the child or youth.

290 Sec. 10. Section 46b-129a of the general statutes is repealed and the  
 291 following is substituted in lieu thereof:

292 In proceedings in the Superior Court under section 46b-129, as  
 293 amended by this act: (1) The court may order the child, the parents, the  
 294 guardian, or other persons accused by a competent witness with  
 295 abusing the child, to be examined by one or more competent  
 296 physicians, psychiatrists or psychologists appointed by the court; (2) a  
 297 child shall be represented by counsel knowledgeable about  
 298 representing such children who shall be appointed by the court to  
 299 represent the child [whose fee shall be paid by the parents or guardian,  
 300 or the estate of the child, or, if such persons are unable to pay, by the  
 301 court. In all cases in which the court deems it appropriate, the court  
 302 shall also appoint a person, other than the person appointed to  
 303 represent the child, as guardian ad litem for such child to speak on  
 304 behalf of the best interests of the child, which] and to act as guardian  
 305 ad litem for the child, provided (A) the primary role of any counsel for

306 the child including the counsel who also serves as guardian ad litem,  
307 shall be to advocate for the child in accordance with the Rules of  
308 Professional Conduct, (B) a separate guardian ad litem shall be  
309 appointed to speak on behalf of the best interest of the child if the  
310 attorney for the child or the judge determines there is conflict of  
311 interest between the stated position or wishes of the child and the  
312 interests of the child, and (C) in the event that a separate guardian ad  
313 litem is appointed, the person previously serving as both counsel and  
314 guardian ad litem for the child shall continue to serve as counsel for  
315 the child and a different person shall be appointed as guardian ad  
316 litem, unless the court for good cause also appoints a different person  
317 as counsel for the child. No person who has served as both counsel and  
318 guardian ad litem for a child shall thereafter serve solely as the child's  
319 guardian ad litem. The guardian ad litem is not required to be an  
320 attorney-at-law but shall be knowledgeable about the needs and  
321 protection of children. [and whose fee] The counsel and guardian ad  
322 litem's fees, if any, shall be paid by the parents or guardian, or the  
323 estate of the child, or, if such persons are unable to pay, by the court;  
324 (3) the privilege against the disclosure of communications between  
325 husband and wife shall be inapplicable and either may testify as to any  
326 relevant matter; and (4) evidence that the child has been abused or has  
327 sustained a nonaccidental injury shall constitute prima facie evidence  
328 that shall be sufficient to support an adjudication that such child is  
329 uncared for or neglected.

330 Sec. 11. Section 46b-141 of the general statutes is repealed and the  
331 following is substituted in lieu thereof:

332 (a) Except as otherwise limited by subsection (i) of section 46b-140,  
333 commitment of children convicted as delinquent by the Superior Court  
334 to the Department of Children and Families shall be for (1) an  
335 indeterminate time up to a maximum of eighteen months, or (2) when  
336 so convicted for a serious juvenile offense, up to a maximum of four  
337 years at the discretion of the court, unless extended as hereinafter  
338 provided.

339 (b) The Commissioner of Children and Families may [petition the  
 340 court] file a motion for an extension of the commitment as provided in  
 341 subdivision (1) of subsection (a) of this section beyond the eighteen-  
 342 month period on the grounds that such extension is for the best  
 343 interest of the child or the community. The court shall give notice to  
 344 the parent or guardian and to the child at least fourteen days prior to  
 345 the hearing upon such [petition] motion. The court may, after hearing  
 346 and upon finding that such extension is in the best interest of the child  
 347 or the community, continue the commitment for an additional period  
 348 of not more than eighteen months. Not later than twelve months after  
 349 a child is committed to the commissioner in accordance with  
 350 subdivision (1) of subsection (a) of this section the court shall hold a  
 351 permanency hearing in accordance with subsection (d) of this section.  
 352 Not more than twelve months after each such hearing, the court shall  
 353 hold a subsequent permanency hearing if the child remains committed  
 354 to the commissioner on the date of such subsequent hearing.

355 (c) The [Commissioner of Children and Families shall obtain judicial  
 356 review of] court shall hold a permanency hearing in accordance with  
 357 subsection (d) of this section for each child convicted as delinquent for  
 358 a serious juvenile offense as provided in subdivision (2) of subsection  
 359 (a) of this section within [eighteen] twelve months of commitment to  
 360 the Department of Children and Families and every [eighteen] twelve  
 361 months thereafter. Such [judicial review] hearing may include the  
 362 submission of a [petition] motion to the court by the commissioner to  
 363 either (1) modify such commitment, or (2) extend the commitment  
 364 beyond such four-year period on the grounds that such extension is for  
 365 the best interest of the child or the community. The court shall give  
 366 notice to the parent or guardian and to the child at least fourteen days  
 367 prior to the hearing upon such [petition] motion. The court, after  
 368 hearing, may modify such commitment or, upon finding that such  
 369 extension is in the best interest of the child or the community, continue  
 370 the commitment for an additional period of not more than eighteen  
 371 months.

372 (d) At all permanency hearings required pursuant to subsections (b)  
 373 and (c) of this section, the court shall review and approve a  
 374 permanency plan that is in the best interests of the child and takes into  
 375 consideration the child's need for permanency. Such permanency plan  
 376 may include the goal of: (1) Revocation of commitment and placement  
 377 of the child or youth with the parent or guardian, (2) transfer of  
 378 guardianship, (3) permanent placement with a relative, (4) adoption, or  
 379 (5) such other planned permanent living arrangement ordered by the  
 380 court, provided the Commissioner of Children and Families has  
 381 documented a compelling reason why it would not be in the best  
 382 interests of the child for the permanency plan to include the goals in  
 383 subdivisions (1) to (4), inclusive, of this subsection. Such other planned  
 384 permanent living arrangement may include, but not be limited to,  
 385 placement of the child in an independent living program. At any such  
 386 hearing, the court shall also determine whether the Commissioner of  
 387 Children and Families has made reasonable efforts to achieve the  
 388 permanency plan in effect.

389 ~~[(d)]~~ (e) All other commitments of delinquent, mentally deficient or  
 390 mentally ill children by the court pursuant to the provisions of section  
 391 46b-140, may be for an indeterminate time. Commitments may be  
 392 reopened and terminated at any time by said court, provided the  
 393 Commissioner of Children and Families shall be given notice of such  
 394 proposed reopening and a reasonable opportunity to present [his] the  
 395 commissioner's views thereon. The parents or guardian of such child  
 396 may apply not more than twice in any calendar year for such  
 397 reopening and termination of commitment. Any order of the court  
 398 made under the provisions of this section shall be deemed a final order  
 399 for purposes of appeal, except that no bond shall be required nor costs  
 400 taxed on such appeal.

401 Sec. 12. Subdivision (1) of subsection (a) of section 45a-724 of the  
 402 general statutes is repealed and the following is substituted in lieu  
 403 thereof:

404 (a) (1) A statutory parent appointed under the provisions of section  
405 17a-112, section 45a-717 or section 45a-718 may, by written agreement,  
406 subject to the approval of the Court of Probate as provided in section  
407 45a-727, or subject to the approval of the Superior Court for juvenile  
408 matters pursuant to any petition for termination of parental rights filed  
409 under section 17a-112, or transferred to the Superior Court for juvenile  
410 matters under section 45a-715, give in adoption to any adult person  
411 any minor child of whom he or she is the statutory parent; provided, if  
412 the child has attained the age of twelve, the child shall consent to the  
413 agreement.

414 Sec. 13. Section 45a-727 of the general statutes is repealed and the  
415 following is substituted in lieu thereof:

416 (a) (1) Each adoption matter shall be instituted by filing an  
417 application in a Court of Probate, or with the Superior Court for  
418 juvenile matters where termination of parental rights to the child  
419 occurred pursuant to section 17a-112 or 45a-715, together with the  
420 written agreement of adoption, in duplicate. One of the duplicates  
421 shall be sent immediately to the Commissioner of Children and  
422 Families.

423 (2) The application shall incorporate a declaration that to the best of  
424 the knowledge and belief of the declarant there is no other proceeding  
425 pending or contemplated in any other court affecting the custody of  
426 the child to be adopted, or if there is such a proceeding, a statement in  
427 detail of the nature of the proceeding and affirming that the proposed  
428 adoption would not conflict with or interfere with the other  
429 proceeding. The court shall not proceed on any application which does  
430 not contain such a declaration. The application shall be signed by one  
431 or more of the parties to the agreement, who may waive notice of any  
432 hearing on it. For the purposes of this declaration, visitation rights  
433 granted by any court shall not be considered as affecting the custody of  
434 the child.

435 (3) An application for the adoption of a minor child not related to

436 the adopting parents shall not be accepted by the Court of Probate or  
437 by the Superior Court for juvenile matters where termination of  
438 parental rights to the child occurred pursuant to section 17a-112 or 45a-  
439 715, unless (A) the child sought to be adopted has been placed for  
440 adoption by the Commissioner of Children and Families or a  
441 child-placing agency, and the placement for adoption has been  
442 approved by the commissioner or a child-placing agency; (B) the  
443 placement requirements of this section have been waived by the  
444 Adoption Review Board as provided in section 45a-764; (C) the  
445 application is for adoption of a minor child by a stepparent as  
446 provided in section 45a-733; or (D) the application is for adoption of a  
447 child by another person who shares parental responsibility for the  
448 child with the parent as provided in subdivision (3) of subsection (a) of  
449 section 45a-724. The commissioner or a child-placing agency may place  
450 a child in adoption who has been identified or located by a prospective  
451 parent, provided any such placement shall be made in accordance with  
452 regulations promulgated by the commissioner pursuant to section  
453 45a-728. If any such placement is not made in accordance with such  
454 regulations, the adoption application shall not be approved by the  
455 Court of Probate or by the Superior Court for juvenile matters where  
456 termination of parental rights to the child occurred pursuant to section  
457 17a-112 or 45a-715.

458 (4) The application and the agreement of adoption shall be filed in  
459 the Court of Probate for the district where the adopting parent resides  
460 or in the district where the main office or any local office of the  
461 statutory parent is located or shall be filed in the Superior Court for  
462 juvenile matters where termination of parental rights to the child  
463 occurred pursuant to section 17a-112 or 45a-715.

464 (5) The provisions of section 17a-152, regarding placement of a child  
465 from another state, and section 17a-175, regarding the interstate  
466 compact on the placement of children, shall apply to adoption  
467 placements.

468 (b) (1) The Court of Probate or the Superior Court for juvenile  
469 matters where termination of parental rights to the child occurred  
470 pursuant to section 17a-112 or 45a-715, shall request the commissioner  
471 or a child-placing agency to make an investigation and written report  
472 to it, in duplicate, within sixty days from the receipt of such request. A  
473 duplicate of the report shall be sent immediately to the Commissioner  
474 of Children and Families.

475 (2) The report shall be filed with the Court of Probate or shall be  
476 filed with the Superior Court for juvenile matters where termination of  
477 parental rights to the child occurred pursuant to section 17a-112 or 45a-  
478 715, within the sixty-day period. The report shall indicate the physical  
479 and mental status of the child and shall also contain such facts as may  
480 be relevant to determine whether the proposed adoption will be in the  
481 best interests of the child, including the physical, mental, genetic and  
482 educational history of the child and the physical, mental, social and  
483 financial condition of the parties to the agreement and the biological  
484 parents of the child, if known, and whether the best interests of the  
485 child would be served in accordance with the criteria set forth in  
486 section 45a-727a. The report shall include a history of physical, sexual  
487 or emotional abuse suffered by the child, if any. The report may set  
488 forth conclusions as to whether or not the proposed adoption will be in  
489 the best interests of the child.

490 (3) The physical, mental and genetic history of the child shall  
491 include information about: (A) The child's health status at the time of  
492 placement; (B) the child's birth, neonatal, and other medical,  
493 psychological, psychiatric, and dental history information; (C) a record  
494 of immunizations for the child; and (D) the available results of  
495 medical, psychological, psychiatric and dental examinations of the  
496 child. The report shall include information, to the extent known, about  
497 past and existing relationships between the child and the child's  
498 siblings, biological parents, extended family, and other persons who  
499 have had physical possession of or legal access to the child. The  
500 educational history of the child shall include, to the extent known,



501 information about the enrollment and performance of the child in  
502 educational institutions, results of educational testing and  
503 standardized tests for the child, and special educational needs, if any,  
504 of the child.

505 (4) The adoptive parents are entitled to receive copies of the records  
506 and other information relating to the history of the child maintained by  
507 the commissioner or child-placing agency. The adoptive parents are  
508 entitled to receive copies of the records, provided if required by law,  
509 the copies have been edited to protect the identity of the biological  
510 parents and any other person whose identity is confidential and other  
511 identifying information relating to the history of the child. It is the  
512 duty of the person placing the child for adoption to edit, to the extent  
513 required by law, the records and information to protect the identity of  
514 the biological parents and any other person whose identity is  
515 confidential.

516 (5) The report shall be admissible in evidence subject to the right of  
517 any interested party to require that the person making it appear as a  
518 witness, if available, and such person shall be subject to examination.

519 (6) For any report under this section the Court of Probate or the  
520 Superior Court for juvenile matters where termination of parental  
521 rights to the child occurred pursuant to section 17a-112 or 45a-715,  
522 may assess against the adopting parent or parents a reasonable fee  
523 covering the cost and expenses of making the investigation. The fee  
524 shall be paid to the state or to the child-placing agency making the  
525 investigation and report, provided the report shall be made within the  
526 sixty-day period or other time set by the court.

527 (c) (1) Upon the expiration of the sixty-day period or upon the  
528 receipt of such report, whichever is first, the Court of Probate or the  
529 Superior Court for juvenile matters where termination of parental  
530 rights to the child occurred pursuant to section 17a-112 or 45a-715,  
531 shall set a day for a hearing upon the agreement and shall give  
532 reasonable notice of the hearing to the parties to the agreement, the

533 child-placing agency if such agency is involved in the adoption, the  
534 Commissioner of Children and Families and the child, if over twelve  
535 years of age.

536 (2) At the hearing the [court] Probate Court or the Superior Court,  
537 where appropriate, may deny the application, enter a final decree  
538 approving the adoption if it is satisfied that the adoption is in the best  
539 interests of the child or order a further investigation and written report  
540 to be filed, in duplicate, within whatever period of time it directs. A  
541 duplicate of such report shall be sent to the commissioner. The court  
542 may adjourn the hearing to a day after that fixed for filing the report. If  
543 such report has not been filed with the court within the specified time,  
544 the court may thereupon deny the application or enter a final decree in  
545 the manner provided in this section.

546 (3) The Court of Probate or the Superior Court for juvenile matters  
547 where termination of parental rights to the child occurred pursuant to  
548 section 17a-112 or 45a-715, shall not disapprove any adoption under  
549 this section solely because of an adopting parent's marital status or  
550 because of a difference in race, color or religion between a prospective  
551 adopting parent and the child to be adopted or because the adoption  
552 may be subsidized in accordance with the provisions of section  
553 17a-117.

554 (4) The Court of Probate or the Superior Court for juvenile matters  
555 where termination of parental rights to the child occurred pursuant to  
556 section 17a-112 or 45a-715, shall ascertain as far as possible the date  
557 and the place of birth of the child and shall incorporate such facts in  
558 the final decree, a copy of which shall be sent to the Commissioner of  
559 Children and Families.

560 Sec. 14. Section 45a-736 of the general statutes is repealed and the  
561 following is substituted in lieu thereof:

562 Any court of probate or the Superior Court for juvenile matters  
563 where termination of parental rights to the child occurred pursuant to

564 section 17a-112 or 45a-715, as part of its approval of any agreement of  
565 adoption or declaration of an intention to adopt, may change the name  
566 of the person adopted, as requested by the adopting parent or parents.

567       Sec. 15. Section 45a-745 of the general statutes is repealed and the  
568 following is substituted in lieu thereof:

569       (a) For each final decree of adoption decreed by a court of probate  
570 or by the Superior Court for juvenile matters, the clerk of the court  
571 shall prepare a record on a form prescribed by the Department of  
572 Public Health. The record shall include all facts necessary to locate and  
573 identify the original birth certificate of the adopted person and to  
574 establish the new birth certificate of the adopted person, and shall  
575 include official notice from the court of the adoption, including  
576 identification of the court action and proceedings.

577       (b) Each petitioner for adoption, the attorney for the petitioner and  
578 each social or welfare agency or other person concerned with the  
579 adoption shall supply the clerk with information which is necessary to  
580 complete the adoption record. The supplying of the information shall  
581 be a prerequisite to the issuance of a final adoption decree by the court.

582       (c) Not later than the fifteenth day of each calendar month, the clerk  
583 of the Court of Probate or of the Superior Court for juvenile matters  
584 shall forward to the Department of Public Health the record provided  
585 for in subsection (a) of this section for all final adoption decrees issued  
586 during the preceding month.

587       (d) When the Department of Public Health receives a record of  
588 adoption for a person born outside the state, the record shall be  
589 forwarded to the proper registration authority of the place of birth.

590       (e) The Department of Public Health, upon receipt of a record of  
591 adoption for a person born in this state, shall establish a new certificate  
592 of birth in the manner prescribed in section 7-53, except that no new  
593 certificate of birth shall be established if the court decreeing the

594 adoption, the adoptive parents or the adopted person, if over fourteen  
595 years of age, so requests.

596 Sec. 16. Section 45a-748 of the general statutes is repealed and the  
597 following is substituted in lieu thereof:

598 Each child-placing agency or the department shall be required to  
599 make a reasonable effort to obtain the information provided for in  
600 section 45a-746 for each child being placed for adoption or for whom  
601 there is a probability of adoption, but the lack of such information shall  
602 not be a bar to the granting of a decree of adoption, provided the child-  
603 placing agency or department has made a reasonable effort to obtain  
604 the information. If the judge of probate or the judge of the appropriate  
605 Superior Court for juvenile matters decides that a reasonable effort has  
606 not been made to obtain the information or that the information is  
607 being unreasonably withheld, the judge may order the child-placing  
608 agency or department to make a reasonable effort to obtain the  
609 information or to release the information. Any child-placing agency or  
610 department aggrieved by the order may appeal to the Superior Court if  
611 it is an appeal from a probate court decision, or to the Appellate Court  
612 if it is an appeal from a decision of the Superior Court for juvenile  
613 matters.

614 Sec. 17. Section 45a-752 of the general statutes is repealed and the  
615 following is substituted in lieu thereof:

616 (a) Any person requesting information under section 45a-746 who is  
617 of the opinion that any item of information is being withheld by the  
618 child-placing agency or department, or any person requesting  
619 information under section 45a-751 who has been refused release of the  
620 information, may petition the Court of Probate or the Superior Court  
621 for juvenile matters for a hearing on the matter. No petition shall be  
622 filed if the consents required by section 45a-751b have been denied.  
623 Such petition may be filed in the court of probate in the probate district  
624 where the adoption was finalized or where the child-placing agency or  
625 department has an office or, in the case of a petition by a person who

626 resides in this state, may be filed in the court of probate for the district  
627 in which such person resides or in the Superior Court for juvenile  
628 matters where termination of parental rights to the child occurred  
629 pursuant to section 17a-112 or 45a-715 and there is a pending  
630 application to such Superior Court for adoption of the child.

631 (b) When a petition, filed under the provisions of subsection (a) of  
632 this section, is received by the court and if such court is satisfied as to  
633 the identity of the petitioner, the court shall first refer the matter  
634 within thirty days of receipt of the petition to an advisory panel  
635 consisting of four members appointed from a list of panel members  
636 provided by the Probate Court Administrator. This list shall include  
637 adult adopted persons, biological parents, adoptive parents and social  
638 workers experienced in adoption matters. In convening this panel, the  
639 court shall make a reasonable effort to include one member from each  
640 category of qualified persons. Such panel members shall serve without  
641 compensation. Within thirty days of referral of the matter the panel  
642 shall begin interviewing witnesses, including the petitioner if the  
643 petitioner wants to be heard, and reviewing such other evidence it may  
644 deem relevant, and within forty-five days following its initial meeting,  
645 shall render a report including recommendations to [the judge of  
646 probate] either the Probate Court or the Superior Court for juvenile  
647 matters having jurisdiction. The court shall set a day for a hearing on  
648 the petition which hearing shall be held not more than thirty days after  
649 receiving the panel's report and shall give notice of the hearing to the  
650 petitioner and the child-placing agency. The court shall render a  
651 decision within forty-five days after the last hearing on the merits as to  
652 whether the requested information should be released under the  
653 relevant statutes. If the applicant requests the assistance of the child-  
654 placing agency or department in locating a person to be identified, the  
655 provisions of section 45a-753 shall apply.

656 Sec. 18. Section 45a-753 of the general statutes is repealed and the  
657 following is substituted in lieu thereof:

658 (a) If a request is received pursuant to section 45a-751, the child-  
659 placing agency or department which has agreed to attempt to locate  
660 the person or persons whose identity is being requested or the child-  
661 placing agency or department which furnished a report ordered by the  
662 court following a petition made under subsection (f) of this section  
663 shall not be required to expend more than ten hours time within sixty  
664 days of receipt of the request unless the child-placing agency or  
665 department notifies the authorized applicant of a delay and states the  
666 reason for the delay. The child-placing agency or department may  
667 charge the applicant reasonable compensation and be reimbursed for  
668 expenses in locating any person whose identity is being requested. The  
669 obtaining of such consent shall be accomplished in a manner which  
670 will protect the confidentiality of the communication and shall be done  
671 without disclosing the identity of the applicant. For the purposes of  
672 this section any records at the Court of Probate or the Superior Court  
673 shall be available to an authorized representative of the child-placing  
674 agency or department to which the request has been made.

675 (b) If the child-placing agency or department is out-of-state and  
676 unwilling to expend time for such purpose, the court of probate which  
677 finalized the adoption or terminated parental rights or the superior  
678 court which terminated parental rights or which finalized the adoption  
679 shall upon petition appoint a licensed or approved child-placing  
680 agency or the department to complete the requirements of this section.

681 (c) If the relative whose identity is requested cannot be located or  
682 appears to be incompetent but has not been legally so declared, the  
683 Court of Probate or the Superior Court shall appoint a guardian ad  
684 litem under the provisions of section 45a-132, at the expense of the  
685 person making the request. The guardian ad litem shall decide  
686 whether to give consent on behalf of the relative whose identity is  
687 being requested.

688 (d) If the relative whose identity has been requested has been  
689 declared legally incapable or incompetent by a court of competent

690 jurisdiction, then the legal representative of such person may consent  
691 to the release of such information.

692 (e) Such guardian ad litem or legal representative shall give such  
693 consent unless after investigation he concludes that it would not be in  
694 the best interest of the adult person to be identified for such consent to  
695 be given. If release of the information requires the consent of such  
696 guardian ad litem or legal representative, or if the person whose  
697 identity is sought is deceased, only the following information may be  
698 released: (1) All names by which the person whose identity is being  
699 sought has been known, and all known addresses; (2) the date and  
700 place of such person's birth; (3) all places where such person was  
701 employed; (4) such person's Social Security number; (5) the names of  
702 educational institutions such person attended; and (6) any other  
703 information that may assist in the search of a person who cannot be  
704 located.

705 (f) (1) If (A) the person whose identity is being sought cannot be  
706 located or is incompetent, or (B) the child-placing agency or  
707 department has not located the person within sixty days, the  
708 authorized applicant may petition for access to the information to the  
709 court of probate or the superior court which terminated the parental  
710 rights or to the court of probate which approved the adoption or the  
711 Superior Court for juvenile matters.

712 (2) Within fifteen days of receipt of the petition, the court shall order  
713 the child-placing agency or department which has access to such  
714 information to present a report. The report by the child-placing agency  
715 or department shall be completed within sixty days after receipt of the  
716 order from the court.

717 (3) If the child-placing agency or department is out-of-state and  
718 unwilling to provide the report, the court shall refer the matter to a  
719 child-placing agency in this state or to the department for a report.

720 (4) The report shall determine through an interview with the adult

721 adopted or adult adoptable person and through such other means as  
722 may be necessary whether (A) release of the information would be  
723 seriously disruptive to or endanger the physical or emotional health of  
724 the authorized applicant, and (B) release of the information would be  
725 seriously disruptive to or endanger the physical or emotional health of  
726 the person whose identity is being requested.

727 (5) Upon receipt of the report, or upon expiration of sixty days,  
728 whichever is sooner, the court shall set a time and place for hearing not  
729 later than fifteen days after receipt of the report or expiration of such  
730 sixty days, whichever is sooner. The court shall immediately give  
731 notice of the hearing to the authorized applicant and to the child-  
732 placing agency or the department.

733 (6) At the hearing, the authorized applicant may give such evidence  
734 to support the petition as the authorized applicant deems appropriate.

735 (7) Within fifteen days after the conclusion of the hearing, the court  
736 shall issue a decree as to whether the information requested shall be  
737 given to the authorized applicant.

738 (8) The requested information shall be provided to the authorized  
739 applicant unless the court determines that: (A) Consent has not been  
740 granted by a guardian ad litem appointed by the court to represent the  
741 person whose identity has been requested; (B) release of the  
742 information would be seriously disruptive to or endanger the physical  
743 or emotional health of the authorized applicant; or (C) release of the  
744 information would be seriously disruptive to or endanger the physical  
745 or emotional health of the person whose identity is being requested.

746 (9) If the court denies the petition and determines that it would be in  
747 the best interests of the person whose identity is being requested to be  
748 notified that the authorized applicant has petitioned the court for  
749 identifying information, the court shall request the child-placing  
750 agency or department to so notify the person whose identity is being  
751 requested. The notification shall be accomplished in a manner which



752 will protect the confidentiality of the communication and shall be done  
753 without disclosing the identity of the authorized applicant. If the  
754 person whose identity is being requested is so notified, the authorized  
755 applicant who petitioned the court shall be informed that this  
756 notification was given.

***Statement of Purpose:***

To make certain changes concerning the adoption of children in state foster care, criminal background checks by the Commissioner of Children and Families and authorizing concurrent jurisdiction by the Superior Court for juvenile matters with the Probate Court for adoption proceedings where the Superior Court ordered termination of parental rights.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*